

08 CV 2790

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CLIPPER WONSILD TANKERS HOLDING A/S, :

Plaintiff, :

- against - :

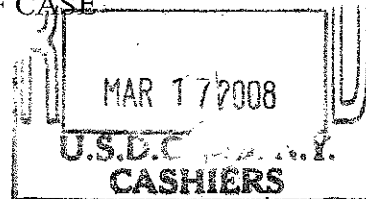
SH MARINE LTD., :

Defendant. :

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08 CV

ECF CASE



VERIFIED COMPLAINT

The Plaintiff, CLIPPER WONSILD TANKERS HOLDING A/S (hereinafter "Plaintiff" or "Clipper"), by its attorneys, Tisdale Law Offices, LLC, as and for its Verified Complaint against the Defendant, SH MARINE LTD. (hereinafter "Defendant" or "SH Marine") alleges, upon information and belief, as follows:

1. This is an admiralty and maritime claim within the meaning of Federal Rule of Civil Procedure 9(h) and 28 United States Code § 1333.
2. At all material times, Plaintiff was and still is an entity duly organized and existing by virtue of foreign law with a principal place of business in Copenhagen.
3. Upon information and belief, at all material times, Defendant SH Marine was and still is an entity duly organized and existing by virtue of foreign law with a principal place of business in Oslo, Norway.
4. By a charter party dated January 24, 2008, Plaintiff chartered the motor tanker "DANCHEM WEST OOSS" (hereinafter the "Vessel") to the Defendant SH Marine for the carriage of a cargo of "1475.659 MTS LAB 2PCT MOLCO (IBC CODE PRODUCT NAME:

ALKYL(C9+)BENZENES – CATEGORY: 7 – AS PER MSDS)” from Rotterdam to Fredrikstad.

5. Certain disputes arose between the parties regarding Defendant SH Marine’s failure to pay freight and demurrage due and owing to the Plaintiff in breach of the charter party contract.

6. As a result of SH Marine’s breach of the charter party contract, Plaintiff will suffer losses in the total principal sum of \$87,695.52, as best can now be estimated, exclusive of interest, recoverable costs and reasonable attorneys fees. *See m.t. Danchem West Invoices attached hereto as Exhibit “1.”*

7. Pursuant to the charter party, all disputes arising thereunder were to be submitted to arbitration in London with English law to apply.

8. In accordance with the charter party, the plaintiff will soon commence arbitration in London and appoint its arbitrator.

9. Interest, costs and attorneys’ fees are routinely awarded to the prevailing party in London proceedings pursuant to English Law. As best as can now be estimated, Plaintiff expects to recover the following amounts in arbitration:

A.	Principal claim:	\$87,695.52
	Demurrage	EUR 8,623.61
	Which is equal to the sum of	\$13,595.88
	Freight	EUR 47,000.00
	Which is equal to the sum of	\$74,099.64
B.	Estimated interest on the principal claim at 7.5% for three years	\$21,921.32
C.	Attorneys fees and arbitration costs:	\$50,000.00

Total: \$159,616.84

10. The Defendant cannot be found within this District within the meaning of Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, but, upon information and belief, Defendants have, or will have during the pendency of this action, assets within this District and subject to the jurisdiction of this Court, held in the hands of garnishees including, but not limited to, ABN-AMRO, American Express Bank, Bank of America, Bank of New York, Deutsche Bank, Citibank, HSBC Bank USA Bank, J.P. Morgan Chase, Standard Chartered Bank and/or Wachovia Bank N.A., which are believed to be due and owing to the Defendant.

11. The Plaintiff seeks an order from this Court directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims attaching any assets of the Defendant held by the aforesaid garnishees for the purpose of obtaining personal jurisdiction over the Defendant, and to secure the Plaintiff's claims as described above.

WHEREFORE, Plaintiff prays:

A. That process in due form of law issue against the Defendants, citing them to appear and answer under oath all and singular the matters alleged in the Complaint;

B. That since the Defendants cannot be found within this District pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims, this Court issue an Order directing the Clerk of Court to issue Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims and federal common law attaching all tangible or intangible property in whatever form or any other funds held by any garnishee, including, but not limited to, ABN-AMRO, American Express

Bank, Bank of America, Bank of New York, Deutsche Bank, Citibank, HSBC Bank USA Bank, J.P. Morgan Chase, Standard Chartered Bank and/or Wachovia Bank N.A. which are due and owing to the Defendants, in the amount of **\$159,616.84** to secure the Plaintiff's claims, and that all persons claiming any interest in the same be cited to appear and pursuant to Supplemental Admiralty Rule B answer the matters alleged in the Verified Complaint;

C. That this Court recognize and confirm any foreign judgment/award of costs on the claims had herein as a judgment of this Court;

D. That this Court retain jurisdiction over this matter through the entry of any judgment or award associated with any of the claims currently pending, or which may be initiated in the future, including any appeals thereof; and

E. That the Plaintiff have such other, further and different relief as the Court may deem just and proper.

Dated: March 17, 2008
New York, New York

The Plaintiff,
CLIPPER WONSILD TANKERS A/S,

By: 

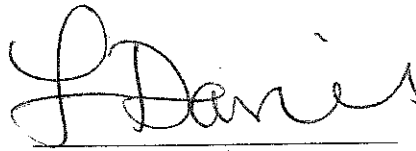
Lauren C. Davies (LD 1980)
Thomas L. Tisdale (TT5263)
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New York, NY 10036
(212) 354-0025 (Phone)
(212) 869-0067 (Fax)
ldavies@tisdale-law.com
ttisdale@tisdale-law.com

ATTORNEY VERIFICATION

State of Connecticut)
) ss: SOUTHPORT
County of Fairfield)

1. My name is Lauren C. Davies.
2. I am over 18 years of age, of sound mind, capable of making this Verification and fully competent to testify to all matters stated herein.
3. I am the attorney for the Plaintiff in this action. I am fully authorized to make this Verification on its behalf.
4. I have read the foregoing Verified Complaint and the contents thereof are true and accurate to the best of my knowledge, information and belief.
5. The reason that this Verification was made by me and not the Plaintiff is that the Plaintiff is a corporation none of whose officers are present in this District.
6. The source of my knowledge is information and records furnished to me by the Plaintiff and its counsel, all of which I believe to be true and accurate.

Dated: March 17, 2008
Southport, Connecticut



Lauren C. Davies

EXHIBIT 1



SH Marine Ltd.
c/o Inge Steensland A/S
Fr. Nansens Pl. 7
P.O. Box 1254 Vika
0111 Oslo
Norway

clipper Wonsild Tankers Holding A/S

Harbour House
Sundkrogsgade 21
DK-2100 Copenhagen
Denmark
VAT No. DK 28 86 64 29
Phone: +45 4911 8400
Fax: +45 3913 1440
www.clipper-wonsild.com

ORIGINAL

Invoice

Date 11 February 2008
Inv no NEP00276

m.t. Danchem West - C/P 24 January 2008 - Voy No. 8002
Loading port: ROTTERDAM - Discharging port: FREDRIKSTAD
B/L date 27-01-08

	EUR
Demurrage	8.623,61
Balance in Owners favour	8.623,61

E.& O.E.

LAYTIME CALCULATION

Vessel Danchem West
 Charterer SH Marine Ltd.
 Cargo LAB* (*COMMON USAGE)
 LAYCAN 26-01-08 to 28-01-08

Voyage No 8002
 C/P Date 24-01-08
 Fixture F000144
 Time bar 30-03-08

	Count	Date	Time	%	Time used
LOADING ROTTERDAM					
End of seapassage		25-01-08	15:15	100,00	
NOR tendered		25-01-08	15:15	100,00	
Anchored awaiting arr of mt KVARVEN		25-01-08	15:15	100,00	
Laycan Start	Start	26-01-08	0:01	100,00	
Anchor aweigh	End	27-01-08	11:10	100,00	35 hrs 09 min
All fast	Start	27-01-08	15:55	100,00	
Hoses connected		27-01-08	16:45	100,00	
Tanks passed		27-01-08	17:15	100,00	
Loading commenced		27-01-08	18:35	100,00	
Loading completed		28-01-08	2:30	100,00	
Hoses disconnected	End	28-01-08	3:00	100,00	11 hrs 05 min
Documents onboard		28-01-08	3:10	100,00	
Sailed		28-01-08	4:30	100,00	
TOTAL LOADING ROTTERDAM					46 hrs 14 min

DISCHARGING FREDRIKSTAD

End of seapassage		30-01-08	0:30	100,00	
NOR tendered		30-01-08	0:30	100,00	
All fast	Start	30-01-08	2:25	100,00	
Hoses connected		30-01-08	7:10	100,00	
Discharging commenced		30-01-08	8:10	100,00	
Discharging completed		30-01-08	15:25	100,00	
Hoses disconnected	End	30-01-08	15:45	100,00	13 hrs 20 min
Sailed		30-01-08	16:30	100,00	
TOTAL DISCHARGING FREDRIKSTAD					13 hrs 20 min

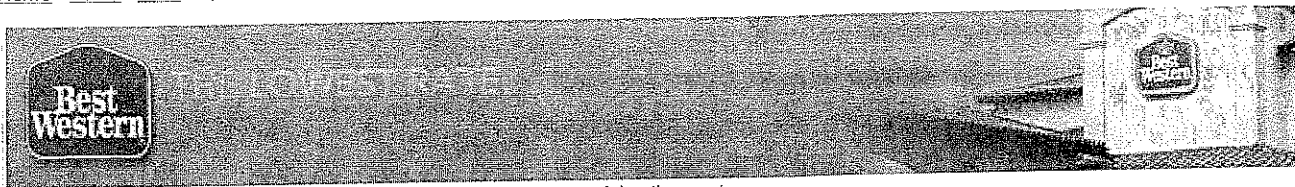
Total Time Used	59 hrs 34 min	3574 min
Less Time Allowed	30 hrs 00 min	1800 min
On Demurrage	29 hrs 34 min	1.774 min

At full rate	EUR 7.000,00	29 hrs 34 min	1.774 min
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Total Amount	EUR 8.623,61
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Memo:

Live rates at 2008.03.17 15:06:20 UTC

8,623.61 EUR	=	13,595.88 USD
Euro		United States Dollars
1 EUR = 1.57659 USD		1 USD = 0.634281 EUR

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SH Marine Ltd.
c/o Inge Steensland A/S
Fr. Nansens Pl. 7
P.O. Box 1254 Vik
0111 Oslo
Norway

Clipper Wonsild Tankers Holding A/S

Harbour House
Sundkrogsgade 21
DK-2100 Copenhagen
Denmark
VAT No. DK 28 86 64 28
Phone: +45 4911 8400
Fax: +45 3913 1440
www.clipper-wonsild.com

ORIGINAL

Date: 25 January 2008
Inv. no: NEP00268

Invoice

m.t. Danchem West - C/P 24 January 2008 - Voy No. 8002
Loading port: ROTTERDAM - Discharging port: FREDRIKSTAD
B/L date 27-01-08

Freight:
1.475.6590 mt Linear Alkyl Benzene at Lumpsum freight

EUR

47.000,00

Balance in Owners favour

47.000,00

E.& O.E.



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Memo:

Live rates at 2008.03.17 15:06:20 UTC

47,000.00 EUR	=	74,099.64 USD
Euro		United States Dollars
1 EUR = 1.57659 USD		1 USD = 0.634281 EUR

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